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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,397	09/24/2004	Thierry Lucidarme	MTR.0054US	5825
21906 7590 01/05/2007 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER NUMBER
			2617	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/05/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/509,397

Applicant(s)

LUCIDARME ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

26.17

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/16/06 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-9, 12-22, 25-26**, are rejected under 35 U.S.C. 102(e) as being anticipated by Walsh et al. (US patent Number 6,603,977 B1).

Regarding claims 1, 14, Walsh teaches a communication system comprising:

a radio unit, several terminal equipments 104 and a local administration server 102, wherein the radio unit (see figure 1) comprises:

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a first communication interface 124 (112, 122) with the terminal equipments, a second radio communication interface 126 (114/120) with a cellular network 106, a module for identifying a subscription to the cellular network and means for transferring multiple user streams between the cellular network and the respective terminal equipments connected to the first interface 124 within the framework of the subscription identified by said module, and wherein the local administration server 102 comprises:

means of communication with the terminal equipments 102, independent of the cellular network 106, to supervise the interchanges over the first communication interface 124 (col 8 lines 62-67, col 9 lines 1-67, col 10 lines 2-15).

Regarding claims 2, 15, Walsh teaches a system wherein a communication between the local administration server 102 and the terminal equipment 104 is made via the radio unit (see figure 1, col 9 lines 65-67, col 10 lines 1-6).

Regarding claims 3, 16, Walsh teaches a system wherein said first communication interface 124 is a radio interface (col 9 lines 5-11, lines 64-67).

Regarding claims 4, 17, Walsh inherently teaches a system wherein at least certain of said multiple user streams between the cellular network and the respective terminal equipments are simultaneous (col 10 lines 7-31).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 5-9, 12-13, 18-22, 25-26**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (US Patent 6,603,977) in view of Greene et al. (US Patent 6,879,835 B2).

Regarding claims 5, 18, Walsh fails to teach a system wherein at least certain of said multiple user streams between the cellular network and the respective terminal equipments are handled in packet mode. However, Greene teaches a system wherein at least certain of said multiple user streams between the cellular network and the respective terminal equipments are handled in packet mode (col 4 lines 61-67, col 5 lines 1-30). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Greene with Walsh, in order to enable the user to communicate with location controller via cellular system.

Regarding claims 6, 19, Walsh fails to teach a system wherein at least certain of said multiple user streams between the cellular network and the respective terminal equipments are handled in circuit mode. However, Greene teaches a system wherein at least certain of said multiple user streams between the cellular network and the respective terminal equipments are handled in

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circuit mode (col 10 lines 18-60). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Greene with Walsh, in order to enable the user to communicate with location controller via cellular system.

Regarding claims 7, 20, Walsh fails to teach a system wherein the radio unit or the terminal equipments comprise means of measuring an activity relating to the interchanges over the first communication interface. However, Greene teaches a system wherein the radio unit or the terminal equipments comprise means of measuring an activity relating to the interchanges over the first communication interface (col 10 lines 1-31). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Greene with Walsh, in order to enable the user to communicate with location controller via cellular system.

Regarding claims 8, 21, Walsh fails to teach a system wherein the means of communication between the local administration server and the terminal equipments comprise means of providing a billing based on said activity measurement relating to the interchanges over the first communication interface. However, Greene teaches a system wherein the means of communication between the local administration server and the terminal equipments comprise means of providing a billing based on said activity measurement relating to the interchanges over the first communication interface (col 8 lines 45-67). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above

teaching of Greene with Walsh, in order to enable the user to communicate with location controller via cellular system.

Regarding claims 9, 22, Walsh fails to teach a system wherein the terminal equipments comprise means of reading a payment means, information relating to the reading of the payment means being transmitted to the local administration server, and wherein said billing takes into account said information relating to the reading of the payment means (col 8 lines 43-58). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Greene with Walsh, in order to enable the user to communicate with location controller via cellular system.

Regarding claims 12, 25, Walsh fails to teach a system wherein the radio unit comprises means of controlling said multiple user streams between the cellular network and the respective terminal equipments connected to the first interface (see figure 2, col 8 lines 20-62). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Greene with Walsh, in order to enable the user to communicate with location controller via cellular system.

Regarding claims 13, 26, Walsh fails to teach a system wherein said means of controlling the multiple user streams comprise at least one of the following elements:

means of scheduling the setting up of said streams, means of managing priorities between

the streams, means of managing queuing for setting up said streams and means of managing service quality (col 4 lines 15-39). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Greene with Walsh, in order to enable the user to communicate with location controller via cellular system.

6. **Claims 10-11, 23-24**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (US Patent 6,603,977) in view of Nykanen et al. (US Patent 6,714,778).

Regarding claims 10, 23, Walsh modified by Greene fails to teach a system wherein the means of communication between the local administration server and the terminal equipments comprise means of authenticating said terminal equipments . However Nykanen teaches a system wherein the means of communication between the local administration server and the terminal equipments comprise means of authenticating said terminal equipments (see figure 2A, col 13 lines 33-50). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Nykanen with Walsh, in order to enable the user to have privacy in the system and to designate which application programs can be utilized.

Regarding claims 11, 24, Walsh modified by Greene fails to teach a system wherein the means of communication between the local administration server and the terminal equipments comprise means of activating an encryption on said first communication interface. Nykanen teaches a system wherein the means of communication between the local administration server



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and the terminal equipments comprise means of activating an encryption on said first communication interface (see figure 2A, col 13 lines 33-50). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Nykanen with Walsh, in order to enable the user to have privacy in the system and to designate which application programs can be utilized.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

8. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

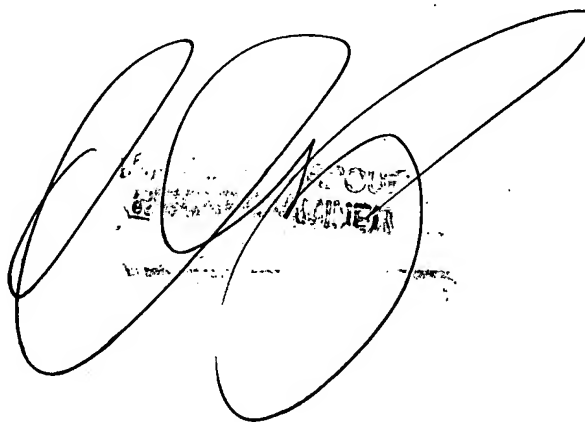
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro be reached (571) 272-7876.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

December 20, 2006

A handwritten signature in black ink is written over a circular official stamp. The signature is stylized and appears to be 'J. M. ...'. The stamp is partially obscured by the signature but contains some text, including what looks like 'U.S. PATENT AND TRADEMARK OFFICE' and 'DECEMBER 20 2006'.